



PLANNING COMMITTEE

**Meeting: Tuesday, 6th September 2016 at 6.00 pm
in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

ADDENDUM

The following item/s although provided for on the agenda front sheet was/were not available at the time of dispatch:

OR

The following item/s was/were not provided for in the agenda for the meeting; however, the Chair of the meeting has agreed to accept this/these report/s as a matter of urgency:

4.	LATE MATERIAL FIELD_PAGE_RANGE Please note that any late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
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Yours sincerely

Jon McGinty
Managing Director

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and

- (b) either –
- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 6th September 2016

ITEM 6 – GLOUCESTER CITY FOOTBALL CLUB

Additional Representation

An additional representation has been received which makes comments in relation to concerns relating to the consequences of the removal of condition 12 1(v) raising the following concerns:

“This means 5 years of continuous tipping, crushing associated works, traffic nightmare dust and noise.

All with a promise of an unfunded stadium at some date in the future. If this land is destined for other development let’s be honest about the whole plan. Gloucester Football will never return to Sudmeadow Road as it is not a viable Business Plan.

Sudmeadow Road is just a By Road not a main thorough fare. If it going to be tipped access is Spinnaker Park or the tip Road as promised “

Amended Recommendation

That authority is delegated to the Development Control Manager to grant a revised outline planning permission, subject to:

- 1. The satisfactory completion of a Deed of Variation from the applicant to secure a financial contribution of £75,000 towards local flood improvement works; and**
- 2. The expiration of 21 days from when Notice is served on owners of land within the application site and no new material planning issues being raised from these owners; and**
- 3. The conditions set out in Section 8.0 of the Planning Committee Report.**

Delegated powers are also sought to amend the wording of the conditions set out below if any conditions are discharged prior to issuing the decision.

ITEM 7 – 16/00829/FUL – LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK)

Changes to the proposal;

In light of the original Officer recommendation the applicants now propose the replacement of the coloured asphalt with resin bound gravel.

These arrangements would still be of a lesser quality than the previous scheme and would not meet the aspirations for pedestrian squares and trafficked areas in the Docks public realm guidance. It also remains the case that this treatment would also not necessarily be an interim scheme – it could remain in perpetuity. It would however be an improvement over the coloured asphalt and would tie in as a material used elsewhere in the Docks and referenced within the public realm guidance for Dock edge areas.

Officers have also discussed with the applicant the treatment of the retained rail tracks. The existing brick setts between and alongside the tracks would be retained and repaired locally where required. This would deal with the issue where the tracks extend out into the existing granite setts in front of the Barge Arm building.

Amended recommendation

That subject to there being no issues raised by the Canal & River Trust that have not been considered and cannot be overcome by the approval of details under condition grant planning permission subject to the conditions in the report as amended by those below;

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the approved plan referenced M 5392-100 Rev. D08 - Interim Landscape Proposal received by the Local Planning Authority on 2nd September 2016 except where otherwise required by conditions of this permission.

Reason

To ensure that the works are undertaken in accordance with the approved plans.

Amended Condition 5

The railway tracks across the site shall be retained in full in situ as an exposed surface feature and only localised repairs shall be undertaken to the tracks or the retained brick setts between and alongside the tracks, unless an alternative methodology for their treatment is submitted to and approved in writing by the Local Planning Authority under which circumstances works shall be undertaken to the railway tracks and brick setts between and alongside only in accordance with the approved methodology.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

ITEMS 8, 9 & 10: 16/00005/OUT, 16/00007/FUL & 16/00008/FUL – Peel Centre, St. Ann Way

Additional representations

The Local Planning Authority has received two further letters of support from local residents, summarised below.

- Delighted to hear about the new Next store;
- Redevelopment of Gloucester has been great. The development at Gloucester Quays has been amazing. The applicant has been instrumental in supporting this growth and demonstrated a long term commitment to regeneration. This has helped local employment opportunities and attracted new visitors;
- There is a need for a boost in terms of high end retailers both in and around the City. At the moment, I drive to Cribbs Causeway and Cabots Circus;
- The proposals are beneficial to the economy. The proposed Next store will open the flood gates to a wider range of retailers;
- The change in approach for Kings Quarter poses no risk of competition and the proposals would support regeneration of Gloucester. The site would have opportunity to attract the bigger national retailers to the City. Retail offer in Gloucester would be improved. It would also support growing tourism;
- The proposals, including the new Next, are an improvement to the amenities of the city and would encourage me to shop there rather than go to Cheltenham, Bristol and elsewhere as I currently do.

Rokeby Developments Holdings Ltd supports the application for the reasons summarised below.

- The proposals will allow greater flexibility for retailers to trade from the retail park and will also bring a Next store to the park;
- Rokeby Merchant (Gloucester) Ltd owns the Baker's Quay site. We have recently secured planning permission to provide a £55 million regeneration scheme of new homes, hotel and additional restaurants which we hope to start

next month. This will see the long awaited transformation of Bakers Quay. In order to be a success, it is important that the retail park opposite is redeveloped from its current rundown state and national retailers are attracted to the site. It is also essential to the various local regeneration strategies with the co-operation of the Canals and River Trust;

- The applicant has demonstrated a long term commitment to Gloucester. It is through the investment in Gloucester Quays that we have been able to invest in the adjacent Baker's Quay site. The proposals helps support the successful regeneration of Baker's Quay, widens the retail appeal of the City and will attract more people to the city.

The Local Planning Authority has received five further objections, summarised below.

Bizarre, Westgate Street:

- Significant adverse impact on the City Centre;
- The application fails the sequential test;
- City Centre traders work very hard to encourage shoppers to visit the city, already with the distraction of Gloucester Quays;
- There is room for new businesses within the old BHS store and other vacant shops;
- The revamp of Kings Quarter will result in an exciting and visitor friendly city;
- More out of town development such as that proposed can only be detrimental to the historic city centre; and
- We hope that the views of Gloucester traders will be listened to.

Vision Express:

- The applications will have a significant adverse impact on the city centre and should be completely rejected. The applications fail the sequential test and should be rejected on these grounds as well.

Specsavers, Gloucester:

- The sequential test is failed because of the vacant BHS unit in the city centre;
- There is a danger of the shopping centre for Gloucester moving. The Specsavers franchise in Gloucester is about to complete a £200,000 refit of its store within the next six months. If the applications are approved, there is question whether further investment in the store will take place;
- If the proposal is approved, it will be the end of the City Centre as we know it;

- This would not be good on retail and tourism grounds. Concerns about vacant units in the City Centre if the proposal is approved;
- Concerns about an exodus of large chains from the City Centre;
- The investment in the new bus station and surrounding area will “go down the drain” if we do not protect the core retail businesses of Gloucester.

Boswells Café, Eastgate Centre:

- All three applications would have a significant adverse impact on the city centre and should be rejected;
- The applications fail the sequential test and should also be rejected on these grounds;
- There is a real danger that the proposal could lead to a devastating impact on the city centre, leading to failed businesses and empty shops;
- Our family business has invested and worked hard to make it a success; this would be seriously impaired if the proposals proceed;
- There are many other businesses that would be adversely affected, and in time the vitality and heart of Gloucester would be taken from the city centre.

Farmhouse Cooked Meats Ltd:

- The applications would have a significant adverse impact on the city centre and should be completely rejected;
- The applications also fail the sequential test and should be rejected.

Further objections

In addition, the Local Planning Authority has received 57 identical objections purported to be from local traders. The objection letter is summarised below.

- As local traders operating from the City Centre, we have decades of experience of trading in Gloucester. The city has experienced mixed fortunes over the past few years with trade in the city centre area still a challenge. We remain committed to a vibrant city centre that offers a wide range of goods and services for local people;
- We have grave concerns about the proposals to expand the out of town Peel Centre. If the proposals were to get planning permission, the long-term damage to the city centre could result in a loss of investment and be the tipping point away from recovery;
- The loss of BHS to the city centre is already a blow. To expand out-of-town retail will be at the expense of the centre;

- The Council has plans for future redevelopment and investment in the city centre – something that is needed and supported. Much is dependent on additional retail space within the City Centre. Those proposals will be completely undermined if the application proposals are agreed;
- The proposals would drastically undermine confidence, investment and long-term commitment to our city. We would lose, not gain jobs, lose not gain investment, and lose not gain retail variety;
- The proposals for additional and unrestricted retail floor space at the Peel Centre would have a significant adverse impact on the City Centre. The proposal fails the sequential test with regards to the Next store location. Both are strong grounds for refusal and are supported by local and national policy;
- Over £50 million of trade will be diverted from the City Centre and Quedgeley Centre. 11% of all trade in those areas will result in the loss of businesses, variety and putting at risk 500 jobs;
- The long-term interests of the City should be put first and the applications should be firmly rejected.

Kings Quarter Redevelopment

Paragraph 6.30 of the report to application 16/00005/OUT and paragraph 6.36 of the report to applications 16/00007/FUL and 16/00008/FUL, set out that the current options for the regeneration of Kings Quarter could deliver approximately 5,000 and 10,000 sq. m. of retail floor space.

The Council's Project Manager for the Kings Quarter redevelopment proposals considers the delivery of 5,000 sq. m. retail floor space to be realistic in the present retail climate and given discussions with the City Council's development partner, Stanhope, and various retailers. The Project Manager advises that Option 4 of the recent public consultation on Kings Quarter might include around 10,000 sq. metres including an anchor store – more retail floor space than the other three options.

In terms of timescales for delivery, the City Council is currently undertaking consultation on development options. A planning application is expected early 2017 with a start date early in 2018. Completion of the 5,000 sq. m. retail scheme is anticipated around mid-2019. However, a 10,000 sq. m. retail scheme would be around mid-2020.

No-poaching conditions

The main committee report refers to a legal ruling on a no poaching condition in the case of *Skelmersdale Ltd Partnership, R (on the application of) v West Lancashire Borough Council & Anor* [2016] (refer to paragraph 6.77 of the report to application 16/00005/OUT; and paragraph 6.79 of the report to applications 16/00007/FUL and 16/00008/FUL).

The applicant has made legal representations specifically on the enforceability and implementation of a no poaching condition. The applicant correctly points out that as a result of the Skelmersdale case, the legal position is that the imposition of no poaching conditions are lawful and enforceable. As this is a High Court decision then this is the precedent that must be followed by Local Planning Authorities when considering planning applications where no poaching conditions may be applicable. With this in mind, if Members were minded to approve the application contrary to the officer recommendation, the issue for Members to consider would be the precise wording of any no poaching condition to ensure that it is practical and to make its implementation clearer. As set out in the main report, the condition as currently suggested by the applicant is not acceptable; therefore a revised form of wording would be required. Alternatively, the requirements of a no poaching clause could be secured by way of a Section 106 legal agreement rather than a planning condition.

However, Members are advised that even if an improved form of wording for a no poaching clause is secured, it is the opinion of both the Council's retail advisors (Carter Jonas) and officers that such a condition would not mitigate the significant adverse impacts that the proposals would have on the vitality and viability of the City and Quedgeley Centre as set out in the main committee report. The question for the planning committee is whether or not they believe that a no poaching condition would mitigate the significant adverse impacts that have been identified.

ITEM 12 – GLOUCESTER CITY FOOTBALL CLUB

Additional Consultation Response

The Environment Agency has confirmed that it has no objection to the application as it involves replacing the existing structure and will have no impact on flood storage volumes. The main flood flow path is on the other side of the building so the proposed re-siting will have minimal impact on flows.

It is recommended that all electrical equipment is located above the modelled flood level of 10.63m AOD(N), preferably above 11.8m AOD(N) which is the level widely used for this area of Gloucester, or flood-proofing the equipment if it is located below this level.

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LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 6 SEPTEMBER 2016

ITEM 5 – 16/00631/OUT – FORMER BISHOP’S COLLEGE, ESTCOURT ROAD

One additional letter has been received;

I remain very concerned that the traffic impact of the proposed development has not been properly assessed.

My purpose in writing is not to ask you to refuse the application, but to consider deferring it until such time as traffic impact can be adequately dealt with.

The issue is best summarised by the bullet point at the top of page 32 of the Committee report: “When College was operating, access via Estcourt Close was restricted for safety reasons to only allow teachers, disabled and service vehicles onto the site. All students entered the site using the pedestrian access in Estcourt Road. Also the flows were only for school periods and should be averaged over a year. These have not been considered”.

I (and no doubt others) raised the matter with the County Council officers at the exhibition of the proposals in July last year, and it was discussed again at the public meeting called by Paul James and Kathy Williams on 27 July this year. There was however no recognition of the issue in the Transport Statement which accompanied the planning application.

I have examined the response of County Highways dated 12 August 2016. Having been in the planning profession for over forty years I am well aware that planning officers do not often disregard the advice from statutory consultees. Here however the advice is not sound; the issue is acknowledged, but dealt with in a wholly unsatisfactory way. The key to it is in the following paragraphs:

“I note that there are a number of comments raised about the suitability of this approach as the school operated in such a way that the vehicle access from Estcourt Close was used only by staff, visitors and a limited number of pupils with most pupils who arrive by car or bus being dropped off close to the pedestrian link from the service road of Estcourt Road. This is accepted however it does not materially change the conclusions that are made within the TA. The site access would have been used by staff and visitors which are likely to have amounted to a number of vehicle movements broadly similar to the number anticipated from the proposed development. Whilst the TA has addressed the number of movements from the permitted use it is accepted that it has not fully considered the nature of these movements and their impact on Estcourt Close. I have however made my own assessment of these matters and consider that the overall conclusion that a suitable means of access is provided is still correct.

Notwithstanding the comparison to the previous use the number of vehicle movements generated by the proposed development is not considered to be significant and could be safely accommodated by the existing network”.

This clearly demonstrates a serious lack of sound reasoning. Furthermore, there are no figures, either from the applicants or County Highways themselves, to support the lazy and unwarranted conclusions in the sections I have underlined above.

It might be that a proper assessment of traffic impact would find that the traffic impact would be acceptable. The point is however that the work needs to be done to an appropriate standard. Quite plainly this is not the case.

Another local resident proposes to speak at Committee on a broader range of matters. I very much hope that members of the Committee will take full account of this particular issue when reaching their decision.

Highways matters are addressed in the report and no changes are proposed in relation to these comments.

The Officer recommendation has however been refined to seek delegated powers to amend or add conditions to deal with the outstanding matters;

Amended recommendation

That, subject to confirmation that the Council's Drainage Engineer is satisfied as to the future provision of an acceptable sustainable urban drainage strategy, and securing of a legal agreement or agreements to provide the following;

1. A proportion of affordable housing (as set out in the report factoring in vacant buildings credit as required)
2. A package of mitigation for open space requirements that the Committee delegates to the Development Control Manager to finalise
3. A financial contribution towards education on the basis set out in the report
4. A financial contribution towards libraries on the basis set out in the report

and delegation from the Committee to the solicitor for the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor, planning permission is granted subject to the conditions in the report with delegated powers granted to the Development Control Manager to amended or add conditions as necessary to deal with the outstanding matters;

ITEM 7 – 16/00829/FUL – LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK)

Changes to the proposal;

In light of the original Officer recommendation the applicants now propose the replacement of the coloured asphalt with resin bound gravel.

These arrangements would still be of a lesser quality than the previous scheme and would not meet the aspirations for pedestrian squares and trafficked areas in the Docks public realm guidance. It also remains the case that this treatment would also not necessarily be an interim scheme – it could remain in perpetuity. It would however be an improvement over the coloured asphalt and would tie in as a material

used elsewhere in the Docks and referenced within the public realm guidance for Dock edge areas.

Officers have also discussed with the applicant the treatment of the retained rail tracks. The existing brick setts between and alongside the tracks would be retained and repaired locally where required. This would deal with the issue where the tracks extend out into the existing granite setts in front of the Barge Arm building.

The Canal & River Trust has considered the amended scheme and is happy to deal with the approval of materials by condition given the circumstances.

Amended recommendation

That planning permission is granted subject to the conditions in the report as amended by those below;

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the approved plan referenced M 5392-100 Rev. D08 - Interim Landscape Proposal received by the Local Planning Authority on 2nd September 2016 except where otherwise required by conditions of this permission.

Reason

To ensure that the works are undertaken in accordance with the approved plans.

Amended Condition 5

The railway tracks across the site shall be retained in full in situ as an exposed surface feature and only localised repairs shall be undertaken to the tracks or the retained brick setts between and alongside the tracks, unless an alternative methodology for their treatment is submitted to and approved in writing by the Local Planning Authority under which circumstances works shall be undertaken to the railway tracks and brick setts between and alongside only in accordance with the approved methodology.

Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

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